REMARKS

Claims 9 – 11, 13 - 14, 16 - 17, and 20 - 24 are pending. Claim 24 has been added. Claims 12 have been cancelled. Claims 9, 10, 11, 13, 14, 16, 17, 20, and 22 have been amended. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the September 22, 2005 Office Action, the Examiner rejected claims 9 - 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,950,172 to Klingman (the Klingman reference"). The Examiner rejected claims 13, 14, 16, 17, and 20 - 23 under 35 U.S.C. § 103(a) as being unpatentable over the Klingman reference in view of U.S. Patent No. 6,611,842 to Brown ("the Brown reference"). These rejections, in so far as they are applicable to the presently pending claims, are respectfully traversed.

Claim 9 has been amended to address the Examiner's concern regarding the recitation of non-functional data. The applicants understand the Examiner's rejection. Claim 9, as amended, is directed to the how the computer functions and not is directed to distinguishing over the cited art solely with respect to non-functional descriptive material. Claim 9, as amended, recites:

> A computer-readable medium encoded with a program for enabling adaptive product recommendations based on multiple-scale ratings, said program, which when executed, cause a computer to:
> **display a plurality of rating scales for a product;**
> receive a first post-use rating for a product on a first scale of the plurality of rating scales, the first post-use rating corresponding to a first property of content of the product;
> **receive a second post-use rating for the product on a second scale of the plurality of rating scales, the second post-use rating corresponding to a second property of the product;**
> analyze said said first post-use rating and said second post-use rating; and

enable adaptive product recommendations for the product based on the analysis of said first post-use rating on said first scale and said second post-use rating on said second scale.

The Klingman reference does not disclose, teach, or suggest the computer-readable medium of claim 9, as amended. In rejecting claim 9 and the applicants previous arguments, the Examiner stated that the Klingman reference discloses a typical range of scores for a product starting from the value of 10 – 60. The Examiner states that these scores are ratings that a user gives a product once he or she purchases it through electronic media or otherwise and thus represents rating of the product. *(Office Action, page 15)*. The applicant understands the Examiner's utilization of the Klingman reference to disclose <u>a single post-use rating on one rating scale</u>. However, the Klingman reference does not disclose **the receiving of a second post-use rating on a second rating scale for the product** because the Klingman reference discloses only the entering of a single score. In other words, the Klingman reference discloses only the input of a single rating of satisfaction or dissatisfaction with a product. In addition, the Klingman reference does not disclose **displaying a plurality of rating scales where each of the rating scale correspond to a different property of the product**. Accordingly, applicants respectfully submit that claim 9, as amended, distinguishes over the Klingman reference.

Independent claim 11, as amended, recites limitations similar to those of claim 9, as amended. Accordingly, applicants respectfully submit that claim 11, as amended, distinguishes over the Klingman reference for reasons similar to those discussed above in regard to claim 9, as amended.

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Claim 10 depends directly on claim 9. Accordingly, applicants respectfully submit that claim 10 distinguishes over the Klingman reference for the same reasons as those discussed above with regard to claim 9, as amended.

Independent claim 13, as amended, recites similar limitations to independent claim 9, as amended. Accordingly, applicants respectfully submit that independent claim 13 distinguishes over the Kliingman reference for the same reasons as those discussed above in regard to claim 9, as amended.

The Brown reference does not make up for the deficiencies of the Klingman reference. The Examiner utilizes the Brown reference to disclose that a recommendation is obtained based on a proximity of said plurality of pre-use multiple scale selections to the multiple-scale product ratings. *(Office Action, page 6)*. The Examiner also utilizes the Brown reference to disclose the generation of pre/post-use discrepancies. *(Office Action, page 7)*. Assuming, *arguendo*, that the Brown reference discloses all that the Examiner states that it does, the Brown reference does not disclose **displaying a plurality of rating scales for a product;** receiving a first post-use rating for a product on a first scale of the plurality of rating scales, the first post-use rating corresponding to a first property of content of the product; **and receiving a second post-use rating for the product on a second scale of the plurality of rating scales, the second post-use rating corresponding to a second property of the product.** Accordingly, applicants respectfully submit that claim 13, as amended, distinguishes over the Brown / Klingman combination.

Claims 14, 16, and 24, depend, directly or indirectly, on claim 13, as amended. Accordingly, applicant respectfully submits that claims 14, 16, and 24 distinguish over

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the Brown / Klingman combination for the same reasons as those discussed above in regard to claim 13, as amended.

Claim 17, as amended, recites limitations similar to claim 13, as amended. Accordingly, applicants respectfully submit that claim 17, as amended, distinguishes over the Brown / Klingman combination for reasons similar to those discussed above in regard to claim 13, as amended. Claims 20 – 23, depend, indirectly or directly, on claim 17, as amended. Accordingly, applicant respectfully submits that claim 20 – 23 distinguish over the Brown / Klingman combination for the same reasons as those discussed above in regard to claim 17.

New claim 24 further distinguishes over the cited references.

> The computer-readable medium of claim 13, said program including instructions, which when executed, cause a computer to:
> **generate a first pre-/post-use discrepancy for the first rating scale by determining a difference between the desired first pre-use rating with the first post-use rating; and**
> **generate a second pre-/post-use discrepancy for the second rating scale by determining a difference between the desired second pre-use rating and the second post-use rating.**

The Klingman reference does not disclose, teach, or suggest the computer-readable medium of claim 24, as amended. The Examiner states that the Klingman reference does not disclose generating pre/post-use discrepancies. *(Office Action, page 7)*. The applicants agree with the Examiner and respectfully submit that claim 24 further distinguishes over the Klingman reference. The Examiner, in the response to arguments of the current Office Action, seems to contradict this previous statement because the Examiner is stating that the Klingman reference discloses the highlighted limitation in col. 10, lines 46 – 65 and col. 24, lines 31 – 38. The Examiner makes this statement because the Examiner is stating the matching of a pre-use customer whose

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score-ids are matched to determine if they are post-use customers who have scored represents the difference between pre-use and post-use ratings. *(Office Action, page 16)*. The applicant does not understand the Examiner's statement, but the applicant does not see in col. 24, lines 31 – 48 or col. 10, lines 46 – 65 that the Klingman reference discloses **generating a first pre-/post-use discrepancy for the first rating scale by determining a difference between the desired first pre-use rating with the first post-use rating; and generating a second pre-/post-use discrepancy for the second rating scale by determining a difference between the desired second pre-use rating and the second post-use rating**. It does not disclose this limitation because there is no determination of a difference between the pre-use and post-use ratings. Accordingly, applicants respectfully submits that claim 24, as amended, further distinguishes over the Klingman reference.

The Examiner states that the Brown reference discloses the above-highlighted limitation in col. 3, lines 17 – 30. The Examiner states that the Brown reference discloses the automatic recording of a television program (i.e., the selection or a program) based on a comparison of profile data associated with the received signal (represents pre-use data) and user profile data generated utilizing user histories of view programs (represents post-use product ratings since it is shown that lists of product are selected based on product ratings corresponding to products identified within user history data. *(Office Action, page 7)*. The applicant respectfully disagrees with the Examiner because the Brown reference is not calculating first and second pre-/post-use discrepancies. Instead, they are looking to select a program based on a similarity between a single received signal (i.e., only one pre-use data) and stored post-use data.

Accordingly, applicants respectfully submit that claim 14 further distinguishes over the Brown / Klingman combination.

Applicants believe that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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Date: January 23, 2006   By: _____

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